



W.P.No.13738 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.13738 of 2022

Ranjithkumar

.. Petitioner

Vs.

1. The Commissioner
Tiruppur City Municipal Corporation
Tiruppur.

2. Sivakumar
3. R.Venkatachalam
4. Govindaraj
5. M.Dhamodharan
6. R.Duraisamy
7. Gopalsamy
8. Nagendran
9. Sivakumar
- 10.Selvaraj
- 11.Karthikeyan
- 12.Kasthuri
- 13.Arumugam
- 14.Kalpana
- 15.Suresh

.. Respondents

[R2 to R15 impleaded vide order dated
27.03.2023 in WMP No.21861 of 2022]



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for the records relating to the impugned order/notice in Na.Ka.No.Su/1286/2022/Ma2 dated 11.05.2022 served on me on 18.05.2022 relating to petitioner's property in T.S.No.E/94/48, Pappanna Nagar Thottipalayam Village, quash the same as arbitrary, illegal and without jurisdiction and consequently, forbear the respondent from interfering with the peaceful possession and enjoyment of the petitioner's private property and its compound wall situated in T.S.No.48, 15/6, 15/7, 9/3 part, 9/6 part in old Block No.3, New Block No.94, Ward-E, Thiruneelakandapuram (Thottipalayam) Thottipalayam Village corresponding to then Survey Nos.500/3, 504/1 Thottipalayam Village, Tiruppur District by considering his representation/objection dated 24.05.2022.

For the Petitioner : Mr.R.Prabakar

For the Respondents : Ms.P.Shanthi
for Respondent-1

Mrs.Chitra Sampath
Senior Counsel
For Mr.A.E.Ravichandran
for Respondents 2 to 15



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ORDER
(Made by the Hon'ble Chief Justice)

We have heard Mr.R.Prabakar, learned counsel for the petitioner, Ms.P.Shanthi, learned counsel for the first respondent and Mrs.Chitra Sampath, learned Senior Counsel for Mr.A.E.Ravinchandran, learned counsel for the respondents 2 to 15.

2. Learned counsel for the petitioner submits that straightaway order has been issued to remove the compound wall without affording an opportunity to the petitioner.

3. Learned Senior Counsel for the respondents 2 to 15 submits that the father of the petitioner admitted that the road exists and now the compound wall is erected by the petitioner thereby blocking the ingress and egress of the road.

4. It appears that prior to the impugned order, opportunity is not given to the petitioner. The impugned order (page 22) shall be construed as a show cause notice to the petitioner.



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5. It is submitted that the petitioner has already filed a reply on 24.05.2022. The Corporation shall consider the reply filed by the petitioner and shall pass orders afresh on its own merits and in accordance with law, preferably within one month from the date of receipt of a copy of this order.

6. With these observations, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.13037 & 13039 of 2022 and 11097 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

31.07.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

The Commissioner
Tiruppur City Municipal Corporation
Tiruppur.



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(kpl)

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